

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

EDMUND A. LANDOWSKI,

RESPONDENT.

FINAL DECISION AND ORDER

98 APP 011

LS9912071APP

The parties to this action for the purpose of Wis. Stats. 227.53 are:

*Edmund A. Landowski
P O Box 566
Schofield, WI 54476-0566*

*Bureau of Business and Design Professions
Real Estate Appraisers Board
P.O. Box 8935
Madison, WI 53708-8935*

*Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935*

The State of Wisconsin, Real Estate Appraisers Board, having considered the Stipulation agreement annexed hereto of the parties, in resolution of the captioned-matter, makes the following:

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED pursuant to jurisdiction and authority granted to the Board in Chapter 458, Wis. Stats., and sec. RL 2.12, Wis. Adm. Code, that the Stipulation agreement annexed hereto, filed by Complainant's attorney, shall be and hereby is incorporated, made and ordered the Final Decision and Order of the State of Wisconsin, Real Estate Appraisers Board.

Let a copy of this order be served on Respondent by certified mail.

Dated this 7th day of December, 1999.

Paul Vozar

Real Estate Appraisers Board

IN THE MATTER OF THE DISCIPLINARY :

PROCEEDINGS AGAINST

EDMUND LANDOWSKI,

STIPULATION

RESPONDENT.

98 APP 011

Respondent Edmund A. Landowski, and Complainant's Attorney, Henry E. Sanders, Division of Enforcement, having reached agreement for disposition of the captioned-matter, stipulate and agree as follows:

1. Respondent Edmund A. Landowski, P O Box 566, Schofield, Wi., 54476 was at all time material to the complaint, certified as a Certified General Appraiser, and has been so certified under the provisions of ch. 458, Wis. Stats., since October 7, 1993.

2. This Stipulation shall be submitted to the Real Estate Appraisers Board for approval and disposition of the matter. If the terms of the Stipulation are not acceptable to the Board, then the parties shall not be bound by any of the provisions of the Stipulation.

a. This Stipulation is dispositive of Investigative Complaint #98 APP 011.

3. Respondent has been advised of his right to a public hearing on each and every allegation of the complaint, but hereby freely and voluntarily waive his right to a hearing in this matter on the condition that all provisions of this Stipulation be acceptable to and approved by the Board.

a. Respondent further agrees to waive any appeal of the Board's Final Decision and Order adopting the Stipulation Agreement.

4. The Department received a complaint against the Respondent that alleged the Respondent did not justify in his appraisal, the difference between the sales price of \$276,000 and the Respondent's estimated value of \$626,000 for the subject. The Respondent's Income Approach does not appear to justify the assumptions used for income projections; and the Market Approach appears to be deficient because it utilizes three out of area properties as comparables without explanation. The Respondent's projected annual income for the subject was not supported because there were no proposed leases or other market analysis.

5. An investigation ensued into the matter, with Respondent Landowski responding to the complaint in pertinent part that:

He did not know the sale of the subject was made between two friends. He assumed it was not an arms length sale and if he had known it were that type of sale, he would have documented it in the appraisal. The subject was for sale at a time when the City of Wausau was planning to build a large convention center for an estimated \$81,000,000. He was unaware of the plans for the convention center when he was performing the appraisal on the subject. He estimated the lease rate at \$8.00 for the subject at the time, and took less per square foot to allow for common areas. After he collected all of his data, he used the Marshall and Swift Cost estimate relying on construction to test whether his data was justified. The subject was depreciated enough to justify using depreciated cost versus value and he chose not to use the Boeckh Cost Guide because the value came out greater than his estimation of value for the subject. He states it is common for general appraisers to use other comparables from within the state of Wisconsin for out of area comparables. He could not function without that source of information because of the lack of comparable sales of this size and quality in a small community where the appraisal was performed. He states that Comparable #5 serves as an explanation of the estimated value. He states the subject was in good condition and generally well constructed, although it needed better management.

6. Pursuant to departmental practice, the subject appraisal and related documentation were assigned to, and submitted to a real estate appraisal expert/board advisor for review and analysis for compliance with USPAP, who concluded succinctly that:

The Respondent's appraisal is nonconforming to USPAP Standards and in violation of Standards Rule 1-4 (c),(iv) vacancy rates not explained; 1-5 (b),(ii) did not analyze previous sale; 2-1 (a),(b),(c) and did not mention vacancy rate in Income Approach. The previous 1995 sale was mentioned in report but not reconciled to current appraised value.

7. Accordingly, based upon the above, and in settlement of this matter, Respondent Landowski hereby consents, accepts and agrees to successfully complete seven (7) hours of education in an Income Property course; receive a Reprimand and agree to pay a forfeiture of \$250.00. The ordered education will not be counted toward your required continuing education, and it will have to be completed within six (6) months following the effective date of the Board Order. The \$250.00 forfeiture will have to be paid at the time of your signing a stipulated agreement.

a. Following completion of the education, Respondent is to submit proof of satisfactory completion to the Department. If the Respondent does not complete the educational courses as agreed, or fails to get approval for extensions to complete the education, then he shall be considered in violation of the Board's Order, and may be subjected to further discipline.

b. The \$250.00 shall be payable by Cashier's Check or Money Order made payable to the Department of Regulation and Licensing, and submitted at the time of submitting this executed Stipulation to Attorney Sanders.

8. The Respondent agrees that this Stipulation agreement may be incorporated into the Board's Final Decision and Order adopting the Stipulation agreement.

9. The Respondent further agrees that Complainant's Attorney Sanders and the Board Advisor assigned to the case, may appear at any closed-deliberative meeting of the Board with respect to this Stipulation, but that appearance is limited solely to clarification, justification, and to statements in support of the Stipulation and for no other purpose.

Edmund A. Landowski

November 9, 1999

Respondent

Date

Henry E. Sanders

November 9, 1999

Attorney

Date

Division of Enforcement